

FILED
Leslie Arons
Executive Director
LJA 6/22/97

JOHN J. FARMER, JR.
ATTORNEY GENERAL OF NEW JERSEY
Division of Law
124 Halsey Street
P.O. Box 45029
Newark, New Jersey 07101
Attorney for State of New Jersey

By: Kathy Stroh Mendoza
Deputy Attorney General
(973) 648-2972

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF SOCIAL WORK EXAMINERS

IN THE MATTER OF THE SUSPENSION	:	Administrative Action
OR REVOCATION OF THE LICENSE OF	:	
	:	CONSENT ORDER OF
RICHARD J. MIELIWOCKI, L.S.W.	:	VOLUNTARY SURRENDER
LICENSE # SL45094	:	
	:	
TO PRACTICE SOCIAL WORK IN THE	:	
STATE OF NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Social Work Examiners ("Board") upon receipt of a complaint regarding the treatment rendered client M.K. by Richard J. Mieliwocki, L.S.W. ("Respondent").

The Board investigation in this matter revealed that Respondent has been employed as a staff clinician at Clifton Mental Health Service (CMHS), a division of Service Centers of New Jersey, Inc., 780 Clifton Avenue, Clifton, New Jersey since February 20, 1996. Respondent was assigned to work with client M.K. on a weekly basis from October 1996 through January or February 1997.

In the course of the Board's investigation, Respondent testified before a Committee of the Board, as did patient M.K. Jill

M. Paulk, L.C.S.W., supervisor of Respondent, also testified before a Committee of the Board with regard to the supervisory process at CMHS in general and M.K.'s allegations of deficient care in particular.

The Board finds that Respondent's treatment of his client failed to adhere to accepted standards of practice within the profession in the following manner:

1. Respondent's treatment records were deficient in that they failed to adhere to the requirements of N.J.A.C. 13:44G-12.1. Specifically, Respondent's record for M.K. lacked sufficient progress notes and the notes that appear on the record fail to accurately reflect all relevant information.

2. On at least one occasion, Respondent handed an unmarked 35mm film canister to client that contained white capsules with no identifying markings, knowing the client had a history of drug use (steroids). He told M.K. these pills were black market drugs that would both stimulate him sexually and serve to relax him. The capsules were actually melatonin pills. This transaction constitutes an act of deception and misrepresentation, gross malpractice and/or gross incompetence, and professional misconduct in violation of N.J.S.A. 45:1-21 (b), (c) and (e); and is also violative of N.J.A.C. 13:44G-12.1, as it was not included in M.K.'s record.

3. Respondent attempted to counsel M.K. in the realm of sex therapy included helping the client to ascertain his sexual orientation. This counseling was beyond the sphere of Respondent's

training and experience, and is violative of N.J.S.A. 45:15BB-1 et seq.

WHEREFORE, Respondent being desirous of avoiding the institution of formal proceedings and of resolving this matter, and the Board having determined that the within disposition is adequately protective of the public health, safety and welfare, and for good cause

IT IS on this *22nd* day of *June*, 1999,
ORDERED:

1. The license issued to Respondent Richard J. Mieliwocki is hereby suspended for a period of three (3) years, commencing upon execution of this Order.

2. The entire 3-year suspension shall be stayed and served as a period of probation. As a condition of his probation, Respondent shall submit to weekly individual supervision at his worksite with a trained professional other than Jill M. Paulk, L.C.S.W., his current supervisor. This individual shall be approved by the Board and shall maintain a log of the weekly sessions which shall be no shorter than one hour in duration. The log shall be made available upon request for review by the Board. This individual shall be paid for his/her services by Respondent.

3. Respondent shall enroll in a minimum of twelve (12) credits of continuing education courses within six (6) months of the execution of this Order and shall successfully complete same. These credits may not be counted toward the continuing education credit requirement set forth in N.J.A.C. 13:44g-6.2(a). The

required coursework shall be subject to prior approval by the Board, and shall include courses in ethical issues and in boundary issues.

4. Respondent shall pay a civil penalty in the amount of \$1000.00. Such penalty shall be paid by certified check or money order made payable to the State of New Jersey and submitted to the State Board of Social Work Examiners at P.O. Box 45033, Newark, N.J. 07101, under the terms of paragraph six (6) below.

5. Respondent shall pay the Board's costs of investigation in this matter in the amount of \$3331.93. Such costs shall be paid by certified check or money order made payable to the State of New Jersey and submitted to the State Board of Social Work Examiners at P. O. Box 45033, Newark, N.J. 07101, under the terms of paragraph six (6) below.

6. The total sum of all civil penalties and costs in this matter is \$4331.93, which shall be memorialized in a Certificate of Debt duly recorded in the State of New Jersey, and paid by Respondent over a period of two years. The total amount to be paid by Respondent under the time payment terms of this Consent Order shall be \$4331.93 plus \$252.55 in interest, at an interest rate of 5.5%, pursuant to the provisions of R. 4:42-11. Twenty-four (24) monthly payments each in the amount of \$191.02 shall be paid by the tenth (10) day of each month. Any failure of Respondent to make payments under the terms of this Order shall accelerate Respondent's total debt to the Board, and shall itself

constitute professional misconduct under N.J.S.A. 45:1-21(e),
thereby subjecting Respondent to N.J.S.A. 45:1-21.

NEW JERSEY STATE BOARD OF
SOCIAL WORK EXAMINERS

By: Mariagnes E. Lattimer, Ph.D.
Mariagnes E. Lattimer, Ph.D.
President

Dated:

I acknowledge that I have read
the within Consent Order and
hereby agree to be bound by
its terms. I consent to the
entry of the within Order by
the Board of Social Work Examiners.

Richard J. Mieliwocki L.S.W.
Richard J. Mieliwocki, L.S.W.

Dated: 6/15/99

Sophie T. Mieliwocki
Witness

Dated: 6/15/99